

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

AUG 30 2016

BY
DEPUTY _____

Jeremy Wimberly
Plaintiff

1:16cv161

v.

Civ. ~~xxxxxx~~ 277

Michelle Englade ET AL.
Defendant

1983, 1985 & 1985, 1986

Bivins Action

MOTION TO TEMPORARY STAY THE PROCEEDINGS:

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now, Jeremy Wimberly, the Plaintiff, pro-se,
Respectfully Moves this Honorable Court to temporary
stay the proceeding. In Support thereof, Plaintiff
will show this Court as follows

1. On August 23, 2015. The Plaintiff placed his
Civil Suite in the above Cause of Action, in the
Prison Mail box at U.S.P. McCreary

2. The Plaintiff's Civil Suit has approximately
35 defendants from several different County,
State, Federal Agencies.

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2016 DE 004

3. The Plaintiff has had a very limited amount of time in a law library within the past 9 months.

4. The Plaintiff's civil suit involves multiple agencies from multiple jurisdictions, and the Plaintiff is still currently in the process of exhausting. And he would like to respectfully request for this Honorable Court for a stay to the proceedings until he is done exhausting.

5. Upon completion of exhausting. The Plaintiff will notify this court and request to lift the stay.

6. This motion is made in the interest of justice and not meant to delay the proceedings.

Wherefore, based on the above, Jeremy Wimberly, the Plaintiff, urges this Honorable Court to GRANT this motion to temporarily stay the proceedings. Under penalty of perjury 28 U.S.C. 1746

Respectfully Submitted on this 23 day of May 2016

Jeremy Wimberly
U.S.P. Maricopa
P.O. Box 3000
Phoenix AZ 85063

PROPOSE
X [Signature]

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JEREMY WIMBERLY

PLAINTIFF

CIV-

1983) 1985(2) 1985(3) 1986)

Biv's Action

Defendants

Michelle Englade. Assistant United States Attorney Beaumont TX. Div.

Robert Strause. Narcotics LT. For Orange Co. Sheriff's dept.

Tracy Sorge. Narcotics Sergeant Orange Co. Sheriff's dept.

Philip Smith. DEA Agent For Beaumont TX. Division

Thomas Burbank. C.J.A. Attorney

Mitch Templeton. C.J.A. Attorney

Baylor Wortham. Assistant U.S. Attorney For Beaumont TX div.

Dwayne Perkins. Narcotics officer For Orange Co. Sheriff's Dept.

Lauren Gaston. Assistant U.S. Attorney For Lufkin TX Div.

Robert Wells. Assistant U.S. Attorney For Lufkin TX Div.

Christina Bickham. Court Reporter. U.S. Dist. Court BMT. Div.

William Barlow. Attorney For U.S. Witness Chris Kelley

Jessica Smith. United States witness

Anthony Elias. United States witness

Chris Kelley. United States witness

John Tarver. Chief. For the orange co. Sheriff's dept.

Jimmy Samuel United States witness

Abbra Tullus. Confidential Informant For DEA & U.S. Attorney's office

Keith Merritt. Sheriff For Orange co. Sheriff's dept.

Laughlin. Narcotics officer For Orange TX.

McBride A.T.F. Agent For Beaumont TX. Div.

Ledeaux. K-9 officer For Beaumont city police

Bonner. C.J.A. Attorney For U.S. witness Anthony Elias

Clark Deputy For the Orange co. Sheriff's dept.

Unknown name. Captain, For the Orange co. Sheriff's Dept.

John Bales

~~Unknown name~~. United States Attorney. For Beaumont TX. Div.

Unknown name. United States Attorney. For Lufkin TX. Div.

Unknown name. Assistant U.S. Attorney. Supervisor Beaumont TX. Div.

Unknown name. Assistant U.S. Attorney. Supervisor. Lufkin TX. Div.

Unknown name. DEA. Supervisor. For Beaumont TX. Div.

Unknown name. A.T.F. Supervisor. For Beaumont TX. Div.

Unknown name. C.J.A. Attorney For U.S. witness Jessica Smith

Unknown name. Attorney For U.S. witness Jimmy Samuel

Unknown name. DEA Agent. At U.S.P. Pollock in December 2015

Unknown name. DEA Lab Tech

Two unknown Investigators At U.S.P. Pollock December 2015

And others both known and unknown at this time.

INTRODUCTION

Comes Now, Jeremy Wimberly. The Above named Plaintiff. In the Above named Cause of Action. 1983, 1985(a), 1985(b), 1986, Bivins Action.

Is pursuing this claim Against the Above named defendant's. In their individual and official capacity. While working under the color of County, State and Federal law. It's customs and policies, Rules and Regulations. Where he is entitled to redress.

Each of these named defendant's job titles that they were working under and shielded by, at all times relevant to this Action. Are listed by their names within the caption of this Action. This Action is in relation to Criminal Cause # 1:13-cr-1101-RC-KFG

JURISDICTION

Jurisdiction can be found pursuant to 18 United States Code 1331. As this court

is within the bounds of the United States of America.

In Addition, Venue is proper. As these Actions occurred in the EASTERN DISTRICT OF TEXAS. However, the plaintiff is currently sitting in diversity. In Pine Knot Kentucky. He is an American citizen.

FACTS

① At All times relevant to this Action the Above named defendants were partners in a Conspiracy to deprive the plaintiff of his liberty interest that was suppose to be secured to him by the 14th Amendment of the United States Constitution.

② At All ~~the~~ times relevant to this Action the Above named defendants deprived the plaintiff of his life and liberty interest without the Due Process and Equal Protection of the Law's

(3) At All times relevant to this Action the Above named defendant's deprived the plaintiff of his 4th Amendment right to privacy and 14th Amendment right to Due process and equal protection of the law. After they conducted a False Arrest ~~on~~ ~~the~~ ~~plaintiff~~ ~~and~~ ~~then~~ ~~ultimately~~ ~~used~~ ~~falsified~~ ~~facts~~ defendant and then ultimately used Falsified Facts within an Affidavit to obtain a warrant to audio record the plaintiff.

(4) At All times relevant to this Action the Above named defendant's deprived the plaintiff of his 14th Amendment right to Due Process and Equal protection of the law. After they used the presentation of Fabricated and misleading evidence to a Federal grand jury in order to establish probable cause to obtain an indictment against the plaintiff. and without the Fabricated and misleading evidence then there would not have been Probable Cause to have detained the ~~the~~ plaintiff. The plaintiff is not suppose to be in prison.

(5) At All times relevant to this Action. The Above named defendants have deprived the PLAINTIFF of his 6th Amendment right to a Fair trial. After they used bribery of witnesses, withholding exculpatory evidence and interference with defence counsel to convict the PLAINTIFF, and then sentence him to "LIFE" of imprisonment.

(6) At All times relevant to this Action. The Above named defendants Conspiracy is still currently on going and running. For they have continued to keep the PLAINTIFF detained while they run an on going investigation.

(7) At All times relevant to this action. The Above named defendants actions were motivated by the fact of the PLAINTIFF is unfortunately a lower class white Recidivist offender.

(8) At All times relevant to this action the Above named defendants were partners in a Conspiracy to intimidate witnesses

from testifying in the plaintiff's behalf. And to intimidate witnesses to testify in their ~~own~~ behalf.

The plaintiff's injuries can be redressed by a favorable outcome to this action.

(9) At all times relevant to this action, the above named defendant defendants deprived the plaintiff of his 1st Amendment rights to be free of; Retaliation, Defamation of character, to have free access to the courts.

(10) At all times relevant to this action, the defendants have deprived the plaintiff of his 4th Amendment rights to privacy, to be free of ill legal search and seizure.

(11) At all times relevant to this action, the above named defendant's deprived the plaintiff of his 5th Amendment right to due process.

(12) At all times relevant to this action, the above named defendant's deprived the plaintiff of his

6TH Amendment right OF an effective Assistance OF Counsel. And interference with his right to legal Counsel. And his right to a Fair trial

(13) At All times relevant to this Action. The Above named defendants deprived the plaintiff his 8TH Amendment right to be Free From Cruel and Unusual Punishment And to be Free OF Intentional infliction emotional distress.

(14) At All times relevant to this Action. The Above named defendants deprived the plaintiff OF his 14TH Amendment right to Due Process And Equal protection of the laws

MATERIAL FACTS AS THEY ARE RELATED TO THE FACTS

(1) Dewayne Perkins. ORANGE ca Sheriff's dept. Narcotics, Conspiracy, 4TH Amendment violation, Intentional infliction OF Emotional distress

on or about April 2013

Officer Perkins conducted an illegal traffic stop on the vehicle that was being driven by the Plaintiff. The stop was conducted without probable cause, which was in violation of the Plaintiff's 4th Amendment's right to be free from illegal traffic stops.

Officer Perkins gained permission to search the vehicle from the owner, Mary Ann Frezit. Several officers conducted a search and nothing was discovered. It was then discovered that the Plaintiff had a warrant for failure to ID. and he was then placed under arrest.

Officer Perkins issued a traffic ticket, which is still currently pending in Orange County.

(2) Robert Strause, Orange County Sheriff's Dept. Narcotics Conspiracy, 4th Amendment violations, 1st Amendment violations, 14th Amendment violations, 5th Amendment violations, False complaints, False arrest, Excessive Force, Intimidation of witnesses, Intentional infliction of emotion distress

on or about April 2013

(9)

LT. Strause Arrived At the Scene of where Officer Perkins had the Plaintiff's vehicle Stopped. LT. Strause conducted his own Search of the vehicle that the Plaintiff had been driving. And he immediately discovered something that he Claimed to be Methamphetamine

LT. Strause Failed to Follow the rules And regulations And Policies of being A Police Officer And A Supervisor over the rest of the Narcotics officers. When he Failed to conduct A Field test on whatever substance that he "Allegedly" found.

Instead. LT. Strause placed both parties Under Arrest. For being in Possession of Methamphetamine

This was in violation of the Plaintiff's 14th Amendment right to be Free of A False Arrest.

On or About August 2013

LT. Strause recruited Confidential Informant Anthony Elias. And he brought up the Plaintiff's Name AS A TARGET.

This was in violation of the Plaintiff's 4th Amendment right to be A "target" without probable cause.

LT. Strause was motivated to "target" the plaintiff because he was a lower class white recidivist offender.

On September 16, 2013

LT. Strause filed an Affidavit with a Justice of the Peace, to obtain a warrant to audio record the plaintiff in order to conduct an alleged purchase of 14 grams of methamphetamine. And using Confidential Informant Anthony Elias. But the Affidavit was filled with lies.

It stated that LT. Strause arrested the plaintiff in April 2013 in possession of methamphetamine after a traffic stop and \$2,500 bucks.

Both the traffic stop and drug charges were baseless. So this was in violation of the plaintiff's 14th Amendment right to the equal protection of the law as well as his 4th Amendment right to privacy. Because without the lies in the Affidavit, it wouldn't have had standing to obtain a warrant to audio record the plaintiff. It isn't illegal to obtain \$2,500. The plaintiff just had to sell his vehicle.

ON September 17, 2013

LT. STRAUSE, obtained A WARRANT to Video Record the Plaintiff. The Probable Cause was the Audio recording of the alleged 14 gram purchase from the day before.

Again, using "Elyas" LT. STRAUSE conducted An Alleged purchase of 88 grams of Methamphetamine.

But the Plaintiff was not immediately Arrested. Instead, LT. STRAUSE consulted with Assistant U.S. Attorney Michelle Engle. And At her orders LT. STRAUSE made Arrangements for "Elyas" to purchase an additional 84 grams of Methamphetamine.

ON October 23, 2013

LT. STRAUSE using "Elyas" Conducted A purchase OF An Alleged 84 grams of Methamphetamine From the Plaintiff. And it WAS CAPTURED on A pin hole video recorder. ^{4th} Amendment violations.

As the Plaintiff departed From "Elyas"' residence. Authorities attempted to Conduct A TRAFFIC STOP ON the Plaintiff's

vehicle. But Officer engaged into a high speed pursuit that ended after the Plaintiff stopped his vehicle and ran into a wooded area where he was later discovered by a K-9 Search team.

The Plaintiff was hiding next to a fallen tree. But as soon as he noticed the authorities and the K-9 had located his tee-shirt on the ground approximately 50 feet away from him. The Plaintiff immediately sat up on his rear end and yelled out loud "Here I am with my hands above my head. Do not shoot me!"

But, Ct. Strause, then tapped the K-9 officer on his shoulder and motioned for him to turn loose the K-9.

The Plaintiff wound up with approximately 25 staples to his left leg. Because the officer's allowed to the K-9 to continue to bite the Plaintiff for awhile prior to them obtaining the dog.

③ Philip Smith, DEA, Beaumont TX. Div.

Conspiracy. 14th Amendment violations. Intentional infliction of emotional distress

ON OCTOBER 25, 2013

MR. Smith, Filed A False Complaint that was supported by an Affidavit that contained lies, that were used to indict the Plaintiff.

The Affidavit/complaint stated that a police officer had observed the Plaintiff throw a pistol, A black Ruger 9mm, out of the passenger side window of his vehicle while in the westbound lane, and that the pistol had went onto the right hand side of the roadway.

But the Ruger 9mm was not discovered on the westbound lane. It had been discovered on the eastbound lane an hour after the Plaintiff's vehicle departed the interstate. And because an unidentified civilian reported it to the dispatcher. That there was a "gun" in the eastbound side of the interstate. The Plaintiff's fingerprints were not discovered on the Ruger 9mm.

The Affidavit/complaint stated that the passenger Jessica Smith, observed the Plaintiff throw a Fanny pack out of the vehicle during the pursuit. In the exact location of where it had been discovered at 20 hours after the

Plaintiff was in jail. It contained 564 grams of "Meth".

But the dash cam video of the pursuit from Sergeant Sorges patrol unit shows that after the Plaintiff's vehicle passed the area that the Fanny pack had not even been out there.

The Plaintiff's Fingerprints were not discovered on the Fanny pack nor any of the plastic drug packaging inside of it. But there were someone else's Fingerprints that were discovered on the plastic drug packaging but authorities failed to disclose those prints.

The Affidavit/complaint state that the Plaintiff had distributed 84 grams of "Meth" to a Confidential Informant. But the prosecution didn't even have a Cooperation Agreement with Anthony Elias to be a witness until nearly a year later. And only after they violated Public Law 18 U.S.C. 201 c.2, The Federal Anti Bribery of A Witness Statue.

This was in violation of the Plaintiff's 14th Amendment rights to Due Process And Equal Protection of the law. To be deprived of his liberty without the promises of first being indicted by probable cause.

(4) ~~Robert~~

Michelle Englace. Assistant United States Attorney
Conspiracy, 5th and 14th amendment violations, 1st Amendment
violations, 6th Amendment violations, Intention Infliction
of Emotional distress.

ON November 6, 2013.

Ms. Englace, indicted the Plaintiff based
off of facts that she had known were
fabricated.

This was in violation of the Plaintiff's
14th amendment rights to due process and equal
protection of the law, to be deprived of his
life and liberty by the use of lies and without
probable cause. It was also in violation of
the rules and regulations of being a prosecutor.

(5) Robert Strause
(Adopted From #2)

ON November 9, 2013.

LT. Strause filed a police report that
he had known was based off of falsified

Facts. The police report stated that United States witness Jessica Smith stated that as the plaintiff turned his vehicle onto County Road 7079, that he threw the Fanny pack out of the driver's side window of the car and back over the right top side and that the Fanny pack had went next to the telephone pole.

Now that telephone pole was 127 feet away from the driveway of where the plaintiff car had passed down the day before, and a K-9 search team searched the entire area the night before.

As well as, the dash cam video of the police pursuit clearly proved that the Fanny pack was not out there anywhere's after the plaintiff's vehicle passed the area.

LT. Straue's report stated that Sergeant Tracy Jorge observed the plaintiff throw a black Ruger 9mm pistol out of the passenger's side window in the westbound lane.

This was in violation of the rules, regulations and policies of being a police officer to file a report that was based off of known lies or facts that were not accurate with the facts of the case.

Aswellas, the rules, regulations, policies of the Sheriff's department and AS being a narcotic's officer's supervisor to turn over a case to be prosecuted ~~and~~ when there ^{or} wasn't a chain of custody on the evidence that linked it to the suspect.

This was in violation of the plaintiff's 14th Amendment rights of Due process and equal protection of the law. To deprive the plaintiff of his liberty interest without due process.

(5) Jessica Smith, United States witness
Conspiracy, 14th and 5th Amendment violations

On or About November 9, 2013

Ms. Smith, provided a False Statement Against the Plaintiff. She stated in a written statement, Aswellas, a video recorded interview that she observed the Plaintiff throw the Fanny Pack out in the exact same area of where it had been discovered at the next day.

Ms. Smith, also, advised Lt. Strause that she did not observe the Plaintiff throw the black Ruger 9mm out of the vehicle. And when Lt. Strause asked her

the color of the Ruger 9mm. Ms. Smith, stated that it was "Crome" in color.

This was in violation of the Plaintiff's 14th Amendment rights to Due Process and Equal Protection of the law. To be free from False Statements, Aswellas, his 1st Amendment rights to be free from Defamation of Character. Ms. Smith, also violated State law to provide a False Statement. Which resulted in the Plaintiff being deprived of his liberty interest.

⑦ Tracy Sorge, Orange Co. Sheriff's dept. Narcotic's Sgt. Conspiracy. 5th Amendment 14th Amendment. 1st Amendment
Intentional Infliction of Emotional Distress

on or about November 13, 2013

Sergeant Sorge provided a False Police report against the Plaintiff. When he claimed to have observed the Plaintiff throw a black Ruger 9mm pistol out of the "drivers" side window while traveling westbound. And that the pistol flew over the Median and onto the eastbound side of the interstate.

This was in violation of the Plaintiff's

14th Amendment rights to be Free From False Complaints, False Arrest.
And to the equal protection of the law. Sergeant Sarges
False report resulted in the plaintiff being deprived
of his life and liberty interest.

⑧ Michelle Englade
(Adopted From #4)

ON or ABOUT JANUARY 2014.

Ms. Englade contacted Anthony Elyas, to be
a witness for the United States but he refused to
cooperate.

The agreement that Mr. Elyas had with Lt. Strause
and the Orange Co. Sheriff's dept. was one that
did not require for Mr. Elyas to be a witness had
the plaintiff gone to trial. And that promise Mr.
Elyas confidentiality.

The Orange Co. Sheriff's dept. dismissed a pending
possession of "Meth" case against Mr. Elyas for his
assistance with the investigation of the plaintiff.

⑨ Mitch Templeton. C.J.A. appointed Attorney
Conspiracy, 6th Amendment violations, 14th Amendment violations

FEBRUARY 2014

United States Witness Jessica Smith, went into, Mr. Templeton's, office and provided "Sworn" testimony to A Court reporter. And she admitted that the plaintiff did not throw the Fanny Pack out of the vehicle as she stated to, Lt. Strause, in her statements. Ms. Smith, agreed to become a defence witness and testify to the "Sworn" testimony that she provided.

Ms. Smith, also advised, Mr. Templeton, that Lt. Strause, had coerced her into providing the earlier false statements.

But, Mr. Templeton, failed to report the crime to the authorities and he failed to get it on the record during, Ms. Smith's, sworn testimony. Because he did not want to make anyone lose their job, that is what he advised the plaintiff.

This was in violation of the plaintiff's 14th amendment rights to equal protection of the law, as well as, his 6th amendment right to an effective assistance of counsel. Mr. Templeton failed to provide the plaintiff with another palm print test after the prosecutor claimed the first two were unusable.

(10) Robert Strause

(Adopted From # 2)

MARCH 2014

LT. STRAUSE, ARRESTED, CONFIDENTIAL INFORMANT,
ANTHONY ELYAS, AFTER HE DISCOVERED A "SAWED OFF"
SHOTGUN IN HIS BACKYARD ON THE OUTSIDE OF HIS HOME.

(11) Michelle Englade
(Adopted From #4)

April 2014

MS. ENGLADE, INDICTED, ANTHONY ELYAS, ON THE
FELON IN POSSESSION OF A FIREARM CASE. AND SHE
IMMEDIATELY APPLIED THE ARMED CAREER AND THE
CAREER OFFENDER SENTENCE ENHANCEMENTS TO HIS
CASE AS A WAY TO INTIMIDATE HIM ^{into} ~~and~~ COOPERATING
AND BEING A WITNESS. BECAUSE, MR. ELYAS,
DIDN'T EVEN HAVE THE PAST CRIMINAL HISTORY
PREDICATES TO HAVE LEGALLY RECEIVED THE SENTENCE
ENHANCEMENTS

THIS WAS IN VIOLATION OF PUBLIC LAW 18 U.S.C.
201 C.2. BRIBERY OF A WITNESS.

(12) Robert Strause
(Adopted From #2)

Michelle Englade
(Adopted From #4)

(23)

MAY 2014

The PLAINTIFF WAS being detained And the entire time exercising his Constitutional rights and refusing to plea guilty to An indictment that had been established by fabricated And misleading evidence to begin with. And that WAS both malicious And vindictive.

So, CT. Strause, targeted the PLAINTIFF's 18-year old daughter And her mother. And raided their home. And discovered A small amount of "Meth" in the Mother's room.

And, Without probable cause he arrested the PLAINTIFF's daughter on Possession of "Meth" charges. For which, the case was eventually dismissed on his daughter.

There was A causal link between the PLAINTIFF exercising his Constitutional rights And his daughter being arrested.

This was in violation of the PLAINTIFF's 1st Amendment right to be Free of Retaliation.

MS. Engle had the PLAINTIFF transferred Farther away from his home. by two extra hours.

And then placed in solitary confinement. All just because of the Plaintiff would not plea guilty and insisted on a jury trial. Ms. Englade, superseded the Plaintiff's indictment three times. To include. Brandishing and carry and use. to count two, possession of a firearm in relation to a drug offence. And then a count four. Conspiracy. As well, filed for an 851. Sentence enhancement. To make certain the Plaintiff would receive an Auto MATIL "like" term.

There was a casual link between the exercising of the Plaintiff's constitutional rights and Ms. Englade's retaliation.

This was in violation of the Plaintiff's 1st amendment right to be of Retaliation and his 6th amendment right to be free of a vindictive prosecution.

(13) Michelle Englade, Tracy Sorge, Jessica Smith.
(Adopted from #2, #3, #5)

July - August 2014

In July of 2014, Ms. Englade reppaneled a Federal grand jury. And she granted Tracy Serge, immunity, to testify falsely before the grand jury. That he observed the Plaintiff throw the Ruger amm pistol out of the drivers side window during the pursuit.

Ms. Englade, had known that it was a lie.

And she permitted, defence witness Jessica Smith, switch back over to become a witness for the United States, after she had been threatened by, CT. Strause.

Ms. Englade, violated the rules, regulations to allow Ms. Smith, to become a 'Hostile' witness and commit perjury before a United States Federal grand jury.

This was in violation of the Plaintiff's 14th amendment right to due process and the equal protection of the law.

In August 2014,

Ms. Englade, mailed, Anthony Elias' Attorney, Mr. Bonner, a letter and advised

him that if, MR. Elyas, would Agree to be a witness for the United States and testify in their behalf at the Plaintiff's trial then they would grant him a promised favorable plea bargain. But the Plea bargain would be granted and determined by the outcome of the trial.

A week later the United States and MR. Elyas entered into a Plea Agreement that dropped both of the career offender sentence enhancements in exchange for his favorable testimony at the Plaintiff's trial.

MS. Engle, finally turned over the Plaintiff's pretrial discovery to his attorney ^{MR.} Burbank. But it took her 11 months to do so.

Had, MS. Engle, provided the Plaintiff's attorney with the pretrial discovery alot sooner. Then the Plaintiff could've had an opportunity to review the evidence against him prior to trial and discovered that he was actually being detained AS A violation of "due process" and he could've made

that his Attorney Failed the proper pretrial
Motions to dismiss the indictment. And then
the Plaintiff would've been released from detention.
But since Ms. Engle, Failed to turn over the
pretrial discovery and she then had a protection
order placed on the discovery, to keep the
Plaintiff from discovering their crimes.
The Plaintiff wind up being convicted and
received a life sentence.

This was in violation of the Plaintiff's
1st amendment right to have free access to
the courts.

~~add~~

(14) Michelle Engle, Tracy Sorge, Jessica Smith,
(Adopted From [#]4, [#]5, [#]6)

September 2014

Ms. Engle, granted four United
State's witnesses immunity in exchange for
testimony that was known to be perjury.
Jessica Smith, Tracy Sorge, Jimmy Samual
Anthony Elias. This was in violation of

(15)

the plaintiff's 6th Amendment right to a FAIR TRIAL
 AND his 14th Amendment right to EQUAL PROTECTION
 the LAW AND Public Law Bribery of witness Statute's.

6th of Amendment to be free
 of a malicious prosecution

MS. Engle, ALSO withheld EXCULPATORY
 evidence. The Finger prints that were
 recovered from the plastic drug packaging.

The plaintiff provided his Attorney Mitch Templeton
 with his palm print samples in February of 2014.
 But he later claimed that the prosecutor
 claimed that the samples were not ~~usable~~
 usable, AND, refused to permit the plaintiff
 to provide another sample.

(14) Thomas Burbank, C.J.A. Attorney, Intention Infliction of emotional distress
 Conspiracy, 1st Amendment violations, 5³¹⁴ Amendment, 6th Amendment violations.

MAY - September 2014

MR. Burbank, Failed to move to suppress
 the testimony of Four government witnesses
 that testified to known perjury. He failed to
 move to suppress the Luger gun and the Fanny
 pack (564 grams of upeth) on the grounds of they did
 not have a chain of custody.

MR. Burbank. Failed to impeach, Jessica Smith, Anthony Elias, Tracy Sorge, during cross exam.

He Failed to explain to the jury that the dashcam video proved that the Fanny Pack wasn't out there after the Plaintiff's vehicle passed the area.

He refused to permit the Plaintiff to review his pretrial discovery or advise the Plaintiff of all of the contents of his pretrial discovery until after trial had begun.

He Failed to advise the Plaintiff of several plea offer's made by the prosecution.

MR. Burbank, had agreed to a redacted version of the dashcam videos of the police pursuit.

He agreed with the prosecutor to "cutout" the part of the video that proved the Fanny Pack wasn't out there.

He permitted Jessica Smith, to testify that the sworn testimony that she provided to Mr. Templeton was the lie.

This was a violation of the Plaintiff's 1st Amendment right to free access to the court, 5th and 14th Amendment right to due process and equal protection of the law, 6th Amendment right by interference to an effective counsel

had Mr. Burbank done his job and put the governments case to an adversarial test. Then the plaintiff wouldn't be in prison today.

(15) Alobra Tullus. Confidential Informant. (DEA U.S. Attorney)
Conspiracy. 4th Amend. 5th and 14th Amend.

At orders of Assistant U.S. Attorney Michelle Engle, Ms. Tullus, went to visit the plaintiff at U.S.P. Pollock. In December 2015. And she wore a "wire" for the DEA. And, she was instructed to attempt to get the plaintiff to discuss an alleged past drug transaction. Ms. Tullus, also "spiked" the plaintiff's soft drink with stimulants provided to her by DEA.

The next day she forwarded inmates at the prison emails that were lies and accused the plaintiff of abusing her. The emails almost caused the plaintiff to be murdered. Ms. Tullus, sent the emails so the plaintiff would wind up in a special housing unit cell. So it could be "bugged" by DEA.

(16) DEA Agent At U.S.P. Pollock December 2015
CONSPIRACY, DUE PROCESS, 4TH Amend.

This is the Agent who wired Ms. Tullios and the Special housing unit cell.
4TH Amendment right to privacy and his 14TH Amendment
right to Due Process. He bugged the Plaintiff's SHU cell. After Ms
Tullios sent the e-mails to other inmates and after the Plaintiff was
almost murdered.

(17) Baylor Wortham. Assistant U.S. Attorney.
CONSPIRACY, 14TH Amendment, Intentional Infliction of emotional distress

Mr. Wortham. Assisted ~~in~~ the prosecution
of the Plaintiff.

Mr. Wortham, Misadvised Judge Clark, at
the Plaintiff's pretrial, on August 22, 2014. When
he lied and said that there wasn't any
Fingerprint evidence in the Plaintiff's case.

Mr. Wortham. Also, solicited perjury from
United States witness, Anthony Elias, at the
Plaintiff's trial. He asked Mr. Elias, on
direct exam was he receiving any benefit
on his current Felon in possession of a Firearm
case in exchange for his testimony and
Mr. Elias, responded that "NO" he was not.

This was in violation of the Plaintiff's
14TH Amendment right to the equal protection
of the law.

- (18) Lauren Gaston, Assistant U.S. Attorney,
Conspiracy, 14th Amendment, Intentional infliction of emotional distress.

Ms. Gaston, was an Assistant in the
Plaintiff's trial. And, she ~~also~~ monitored
the Plaintiff's mail and phone calls while
he was in pretrial detention in Livingston Tx.
This was in violation of the Plaintiff's
right to Due process.

- (19) Robert Wells, Assistant U.S. Attorney,
Conspiracy, 14th Amendment.

Mr. Wells, was an Assistant during the
Plaintiff's trial.

- (20) Christina Bickham, Court Reporter
Conspiracy, 14th Amendment, 1st Amendment

Ms. Bickham, Failed to document exculpatory
evidence for the Plaintiff's post conviction
proceedings.

On or About September 4, 2014. During trial. The Plaintiff advised the Judge, of how his trial Counsel, Mr. Burbank, refused to allow him to review his pretrial discovery until after trial began. And he did not know that most of the evidence existed.

This was not documented in the Plaintiff's trial transcripts. And it was in violation of the Plaintiff's Due Process and Equal Protection of the Law, as well as, Free Access to the Courts.

(21) William Barlow. Attorney for United States Witness Chris Kelley Conspiracy

Mr. Barlow, represented the Plaintiff's Co-defendant. Chris Kelley.

Mr. Barlow, had a copy of the pretrial discovery. So he had known that the government's case was based off of lies. And he failed to expose their corruption.

Instead, he advised his client to testify against the Plaintiff and seek a 5K1.

(22) Anthony Elias. United States Witness
Conspiracy.

MR. ELIAS, WAS the CONFIDENTIAL INFORMANT
WHO U. STRAUSS USED in his investigation.

MR. ELIAS Committed Perjury about his
Cooperation Agreement with the United States.

MR. ELIAS Assisted the United States to
Cover up their Bribery of Witnesses
Violations.

(23) Chris Kelley. United States Witness.
Conspiracy

MR. KELLEY, WAS the PLAINTIFF's Co-defendant
And he committed Perjury about his Criminal
History, As well as, being involved in a
Conspiracy with the Plaintiff.

(24) John Tarver. Chief. ORANGE CO. Sheriff's Dept.
Conspiracy. Failure to Train and Supervise.

Failed to enforce rules, regulations, policies.

MR. TARVER, is the Chief of the Sheriff's Dept.
He Should be known what his employees were doing.
or he Approved of (35) their Misconduct.

(25) Jimmy Samuel. United States Witness
Conspiracy.

MR. SAMUEL, committed perjury and/or testified to information that was not accurate to the facts of the plaintiff's case.

MR. SAMUEL testified that the plaintiff confessed to throwing the Fanny Pack and the drugs next to the telephone pole as he pulled his vehicle onto County Rd. 7079.

But the dashcam video of the pursuit proved this to have been impossible.

(26) Keith Merritt. Sheriff. Orange Co. Sheriff's Dept.
Conspiracy. Failure to train and supervise.

MR. Merritt, is the Sheriff of Orange Co.

He should've known what his employees.

LT. Strause, Tracy Dargy, John Tarver, were up to. Or he approved of their misconduct.

He should've set rules, regulations, policies to prevent things like this from happening and he failed to enforce the rules that were in place

(27) Laughlin - Orange TEXAS Narcotic's officer
Conspiracy.

MR. Laughlin, is the narcotic's officer who assisted, L.T. Strause, in his investigation of the surveillance of Plaintiff on October 23, 2013. He operated the ~~video recording~~ ^{surveillance}.

(28) McBride, A.T.F. Agent.
Conspiracy, 14th Amendment Due Process

Mr. ^{Mc}Bride was the A.T.F. Agent who investigated the Felon in possession of a Firearm Count three of the Plaintiff's indictment. Mr. McBride had known that there wasn't probable cause to charge the Plaintiff for the Ruger gun. And that Sergeant Sarge was lying. And Mr. McBride withheld the identity of the civilian who reported the Ruger gun in the eastbound lane.

(29) LeDeaux - BEAUMONT TEXAS CITY POLICE K-9 OFFICERS
CONSPIRACY - EXCESSIVE FORCE.

(3)

MR. Ledeaux, was the K-9 officer who turned the K-9 loose on the plaintiff even though his hands were held high above his head.

Because Lt. Ostrause had him let the dog loose to attack the plaintiff. And then allowed the K-9 to bite the plaintiff's leg for awhile.

(30) MR. Bonner, C.J.A Attorney for U.S. witness Anthony Elgas:
Conspiracy.

MR. Bonner, assisted in the public law Bribery of a witness violation. By allowing it to take place and not saying anything.

(31) Clark, Orange Co. Deputy.
Conspiracy.

MR. CLARK is the deputy who responded to the dispatcher's alert and then found the Ruger gun in the eastbound lane.

He had known that Sergeant Sarge didn't witness the plaintiff throw it out.

(32) Captain. Orange Co. Sheriff's dept
Conspiracy. Failure to train and supervise

The Captain approved of Lt. Strause and
Sergeant Sorge to file falsified statements
and commit perjury at trial.

(33) U.S. Attorney Beaumont Texas
Conspiracy. 14th Amendment due process. Failure to supervise

The U.S. Attorney, had approved for Mr. Englander
to proceed and prosecute the Plaintiff's case.
Even though, he was indicted by fabricated
and misleading evidence. He failed to enforce rules, policies.

(34) U.S. Attorney. Lufkin Texas
Conspiracy. Failure to supervise

The U.S. Attorney, approved for Lauren Gaston,
and Robert Wells to pursue a prosecution
that was malicious/vindictive. And in violation
of the Plaintiff's due process and equal protection
of the law rights. He failed to enforce rules
regulations policies.

(39)

(35) Supervisor For Assistant United States Attorney's Beaumont.
Conspiracy. Due process. Intentional Infliction of emotion Distress
Failure to train and supervise.

This supervisor gave MS Engle and Baylor
Wortham, permission to proceed to violated
the plaintiff's right to due process and
equal protection of the law. Failed to enforce policies, rules.

(36) Supervisor For Assistant U.S. Attorney's CUEKIN TX.
Conspiracy. Due process. Failure to train and supervise

This supervisor gave permission to L. Gaston
and R. Wells to prosecute the plaintiff's case
and violate his rights to due process and
equal protection of the law. Failed to enforce.

(37) DEA Supervisor. Beaumont TX.
Conspiracy. Due process. Failure to train and supervise.

This supervisor gave permission to Philip Smith
to violate the plaintiff's due process rights
by filing a falsified complaint to indict the
plaintiff or he failed to make a rule, or, enforce.
Regulation to prevent him from filing false complaints.
and he gave permission to audio record plaintiff At U.S.P. Pollock.

(38) A.T.F. Supervisor. Beaumont TX.
Conspiracy. Due Process. Failure to supervise and train

This Supervisor gave permission to Agent McBride to proceed to charge the plaintiff on the Felon in possession of a Firearm case. Even though, it was malicious.

(39) C.J.A. Attorney. For Jessica Smith
Conspiracy. Due Process

This Attorney assisted Ms. Smith to commit perjury at the plaintiff's trial.

(40) Attorney For, Jimmy Samuel, U.S. Witness
Conspiracy

This Attorney assisted Jimmy Samuel to testify falsely.

(41) DEA Lab Tech
Conspiracy. Due Process

This lab tech had known that there were an unidentified witness' fingerprints recovered from the "Meth"

(42) Two unknown women investigators. At U.S.P.
Pollack, December 2015
Conspiracy, Due process, intentional emotional
distress. 4th amendment

These two investigators assisted in the audio
recording of the plaintiff while at visitation.

(43) Michelle Englade, Robert Strause
(Adopted from #4 3#2)

On September 5, 2014

While at the plaintiff's trial. Ms. Englade and
Lt. Strause, had a discussion while the jury
were out to deliberate.

Lt. Strause, asked Ms. Englade, permission
to remove the Cooperation Agreement and letter
between the United States and Anthony Ellys, from pretrial discovery.
Ms. Englade, advised, Lt. Strause, that "no" because
the plaintiff had already seen it and that she
could get "disbarred". But, Ms. Englade, advised
Lt. Strause, that they could get Philip Smith, to
easily a report to make it look like a conspiracy
began else where's so the plaintiff could not

Argue "government overreaching". But then they would also need one of Phillips informants who would be willing to get on the stand and lie. Had anyone taken the case to trial. Ms. Engle, advised, Ct. Strause, that they would "target" the Plaintiff's visitor's once he got to prison. And, if he had only immediate kin on his visitation list. Then they would "target" the Plaintiff's daughter. To attempt to get her to wear a wire to discuss an alleged drug transaction with the Plaintiff.

(44) Robert Strause

Adopted #2

Approximately August 2015

Ct. Strause, attempted to entrap the Plaintiff's daughter. By having the Plaintiff's cousin to attempt to arrange for the Plaintiff's daughter to obtain some pills for the cousin.

(45) Michelle Engle.

(Adopted #4)

Ms. Engle currently has sealed indictments on the Plaintiff. But she plans to keep them sealed and push off the Plaintiff's evidentiary hearing for as long as possible just so the Plaintiff can't receive (43) Credit for his time he is serving.

Injunctive

- ① The Plaintiff ^{also} would like to be provided a deception test about ~~all of this~~ ↓
- ① ^{AND} For, LT. Strause, Cedoux, Sorge, to be provided a deception test about the K-9 ATTACK OF PLAINTIFF
- ② For, LT. Strause, Jessica Smith, Mr. Templeton, to be provided a deception test about the Coercion OF Jessica Smith.
- ③ For LT. Strause, Ms. Engle to be provided a deception test about their discussion about ^{"P. Smith"} falsifying evidence AND getting his informant to lie in court.
- ④ For LT. Strause to be provided a deception test about trying to entrap the PLAINTIFF'S daughter.

CAUSE OF ACTION

All of the Above named Individuals while Acting under the Color of Federal Law, AS well AS, State law, under the borrowed employee doctrine, Involving Several Agencies. Using State and Federal law AND its Customs, Policies, rules, regulations, did so, in Concert, to Violate the Plaintiff's Civil rights, Constitutional rights of the United States OF America.

Where He's entitled to REDRESS

I, Jeremy James Wimberly, State that All of the Above Are true and correct Facts to the best of my knowledge under the PENALTY OF Perjury. Pursuant to 28 U.S.C. 1746 Executed on August 23, 2016.

JEREMY WIMBERLY 08/24/16
U.S.P. MCCRARY P.O. BOX 3000
Pine Knot Ky. 42635

SE CENILET M BEECY 08941-078
 United States Penitentiary, McCreary
 P.O. Box 3000
 Pine Knot Ky.
 42635

United States Penitentiary, McCreary

Pine Knot, KY 42635

Date: 8-25-16

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United States District Court
 Clerk of Court

300 Willow St.
 Beaumont, Texas

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